



ANNO VICESIMO QUINTO

GEORGII V REGIS.

A.D. 1934.

PRIVATE ACT.

An Act to incorporate the Royal Institution for the Blind, for regulating such Institution, and for other purposes relating to such Institution.

[*Assented to, November 8th, 1934.*]

WHEREAS an institution known as "Royal Institution for the Blind" (Incorporated) of North Adelaide in the State of South Australia was established in the year 1884 and has been incorporated under the provisions enabling associations to be incorporated in the State of South Australia: AND WHEREAS the said Institution is a Benevolent Institution formed with the objects (*inter alia*) of helping the Blind to help themselves by providing them with education industrial training and generally to alleviate their affliction and in like manner to help deaf mutes: AND WHEREAS the said Institution is the owner in fee simple of certain lands more specifically described in the schedules hereto which said lands excluding such parts thereof as are used exclusively for the purpose of investment or separate residences of instructors teachers or supervisors, are used directly for the academical or benevolent purposes of the said Institution: AND WHEREAS certain doubts exist as to the title of the said Institution to certain lands in that certain prior owners of such lands held the same upon trusts as set forth in a certain indenture dated the 12th day of April 1843 made between William Giles and Moses Garlick and others

Preamble.

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all therein more particularly described for the use of the people composing the North Adelaide Baptist Church as a chapel known as the "Ebenezer Chapel" so long as the congregation should maintain and profess the views and doctrines in the Indenture declared and in case they should depart from such views or alter such profession then such lands were directed to go and revert to the next and nearest Baptist Church thereto holding such sentiments described in the said Deed of which said land the said Institution was a purchaser from the nearest Baptist Church and has been the occupier thereof since the year 1884: AND WHEREAS it has been considered desirable to incorporate the said Institution by Act of Parliament to establish the title of the said Institution to its land and to declare the liability and exemptions of the said Institution for or from rates and taxes in respect of lands held by it: BE IT THEREFORE ENACTED by the Governor of South Australia with the advice and consent of the Parliament thereof as follows:—

Short title.

1. This Act may be cited as the "Royal Institution for the Blind Act 1934."

Interpretation.

2. In this Act except where the context otherwise requires, or some other meaning is clearly intended—

"The Institution" means the Royal Institution for the Blind Incorporated, incorporated under this Act.

"Subscribers" means persons who have contributed to the Institution the sum of £1 1s. and upwards per annum for at least two years preceding the year in which a meeting is to be held and Life Governors of the Institution.

"The Board" or "The Board of Management" means the Board of Management for the time being of the Institution.

"The Rules" mean the Rules for the time being of the Institution.

Incorporation of the Institution and objects.

3. The Royal Institution for the Blind (Incorporated) referred to in the preamble hereof shall be a body corporate by the name of the "Royal Institution for the Blind Incorporated," and for the following objects namely:—

- (1) To help blind or partially blind persons or persons who are deaf mutes to help themselves by providing them with education, industrial training and work so that they may be enabled to earn their own living wholly or in part.

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- (2) Generally to assist physically, mentally, or financially and otherwise to alleviate the affliction of blind or partially blind persons or persons who are deaf mutes.
- (3) Such other benevolent or charitable objects as the subscribers may from time to time determine.

4. The Institution shall have perpetual succession and shall have and may use a common seal, and may from time to time break or alter the same, or make a new seal, as to the Board of Management seems expedient. Common seal.

5. (1) The Institution shall be capable of acquiring, receiving, and holding real and personal estate of any nature and kind whatsoever. Corporate powers.

(2) The Institution may also from time to time sell, convey, demise, exchange, and otherwise dispose of, deal with, or exchange its property.

(3) Subject to any restrictions by this Act expressed or implied, the Institution shall also be capable in law of doing all such other things as a natural person may do, and as the Board of Management may deem expedient in effectuating its objects.

6. (1) The property mentioned and described in the Schedules hereto, and all other property at the time of the passing of this Act belonging to the Royal Institution for the Blind (Incorporated), or held by any person on its behalf is hereby transferred and vested in the Institution. Vesting property.

(2) The burden of all obligations and liabilities heretofore incurred by the Royal Institution for the Blind (Incorporated), and subsisting at the time of the passing of this Act is hereby transferred to the Institution, and the same shall henceforth be deemed to have been incurred by the Institution.

7. No benefactor or subscriber to the funds of the Institution shall in any event incur any personal responsibility for the debts and liabilities of the Institution, but the property of the Institution shall alone be liable to satisfy the same. Subscribers to incur no personal liability.

8. There shall be a President, at least two Vice-Presidents, a Secretary and a Treasurer of the Institution, each of whom shall be elected in general meeting of the subscribers: Provided that until their successors are elected the President, Vice-Presidents, Secretary, and Treasurer of the Royal Institution for the Blind (Incorporated) holding office at the time of the passing of this Act shall continue to hold such offices. Officers.

*Royal Institution for the Blind Act.—1934.***Board of Management.**

9. (1) For the management and good government of the Institution there shall be a Board of Management of the Institution.

(2) The Board of Management shall consist of the President, at least two Vice-Presidents, Secretary, and Treasurer, and other members to be elected at an annual general meeting of subscribers, such other members being limited in number and subject to any qualification prescribed by resolution of the subscribers in general meeting.

(3) Subject to anything contained in the rules, casual vacancies in the offices of President, Vice-Presidents, Secretary, and Treasurer, and other members of the Board may be filled by the remaining members of the Board.

(4) The continuing members of the Board may act notwithstanding any vacancy in their body; and no act done by or by the authority of the Board shall be invalid in consequence of any defect that may afterwards be discovered in the elections or appointments of the members, or any of them.

Management.

10. Subject to the provisions of this Act and the rules for the time being of the Institution, the Board shall have the sole management of the Institution, and of the affairs and concerns and the income and property thereof for the purpose of the Institution and its objects, and may exercise all powers and do all such acts and things as are hereby directed or authorised to be done by the Institution excepting only such powers as are expressly required by this Act or the rules to be exercised or done by the Institution in general meeting.

Power to delegate.

11. The rules of the Institution may authorise the Board to delegate any of its power to committees, which may consist of one or more persons.

Annual Meeting.

12. (a) There shall be an annual general meeting of subscribers to the Institution held every year, and until otherwise provided by the rules every subscriber shall be entitled to one vote at the annual general meeting, or at any other general meeting of subscribers.

(b) The annual and any other general meeting may be summoned at any time by notice by advertisement under the authority of the Secretary published once in any daily newspaper published in Adelaide, such notice being published at least five days preceding the day of meeting.

Quorum.

(c) At any general meeting six persons present shall form a quorum and be capable of transacting any business.

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13. (1) Any general meeting of subscribers to the Institution may from time to time make alter and repeal rules of the Institution and without limiting the generality of the foregoing power may make rules for all or any of the following purposes :—

Rules of the Institution.

- (a) To define the objects of the Institution :
- (b) For the regulation and good government of the Institution and the affairs thereof :
- (c) To provide for the manner of election of officers and their tenure of office :
- (d) To provide for Life Governors of the Institution :
- (e) To provide for the constitution of the Board and for the manner of election of the President, Vice-Presidents, and the members of the Board and their tenure of office :
- (f) To provide for the custody and use of the common seal of the Institution :
- (g) To provide for seal holders and authority to use the seal :
- (h) to provide for the convening of meetings of subscribers :
- (i) To provide for additions to and alterations to the rules of the Institution :
- (j) To empower the Board of Management to make rules or by-laws for any purpose with respect to any persons receiving benefits of or from the Institution :
- (k) To provide for the election of auditors and the audit of the funds of the Institution :
- (l) generally to carry the objects of the Institution into full and complete effect.

(2) Until otherwise provided the Rules of the Royal Institution for the Blind (Incorporated), referred to in the preamble hereto shall be the Rules of the Institution.

14. The Board may from time to time make, alter, and repeal the Rules or by-laws made in pursuance of any power in that behalf conferred by the Rules of the Institution for the time being.

Alteration of rules of Board.

15. (1) Except where any Act expressly provides that it shall apply notwithstanding the provisions of this Act the Institution shall be and shall since 1916 be deemed to have been free and exempt from all liability to pay rates, taxes, charges, or impositions which would otherwise be imposed, rated, taxed,

Liability for rates and taxes.

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or charged upon the Institution, its lands, property, receipts, or other benefits received by it except as herein expressly declared.

(2) The lands more particularly described in the First and Second Schedules hereto, being lands used exclusively for the purpose of separate residences of instructors, teachers, or supervisors of the Institution or for investment purposes only and other lands hereafter acquired by the Institution and used as aforesaid may be rated or taxed.

(3) The lands more particularly described in the Third Schedule hereto shall so long as they are used by the Institution for the purposes and in the manner in which the same are now or have heretofore been used or for such other purposes as may be approved by the Governor in Council and other lands owned or occupied by the Institution and hereafter used by it for the purposes of or in the manner hereinbefore mentioned in this subsection are declared to be exempt as in subsection (1) of this section provided: Provided that if during any year the Hall of the Institution and/or the dwelling-house facing Brougham Place erected on the lands in the Third Schedule is let by the Institution for the purposes of revenue then and in such event and until otherwise provided the Institution may be rated or taxed in respect of the Hall and/or dwelling-house so let for that year.

Relationship
to recipients of
benefits.

16. The Institution shall not be deemed to be an employer for the purposes of any Act or law by reason of the fact that in the course of its benevolence it affords work to any afflicted person.

Vesting of land
freed from
trusts.

17. The land more particularly described in the Second Schedule hereto shall be vested in the Institution freed and absolutely discharged of and from all trusts and conditions heretofore declared or subsisting concerning the same; and the Registrar-General of the State of South Australia shall register the Institution as the owner in fee simple of the said land under the provisions of The Real Property Act, 1886.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

W. DUGAN, Governor.

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SCHEDULES.

FIRST SCHEDULE.

Ratable Lands now used for Investment and other Purposes.

(a) The whole of the land comprised in Certificate of Title Register book Vol. 1215 folio 34, being that piece of land situated in the City of Adelaide being portion of town acre 719, containing twenty-one perches or thereabouts and measures as well on the northerly side next other portion of the said acre as on the southerly side next Kermode Street, fifty two feet and six inches or thereabouts on the easterly side next Poole Street one hundred and ten feet and ten inches or thereabouts and on the westerly side next portion of acre 720 one hundred and eleven feet or thereabouts.

(b) The whole of the land comprised in Certificate of Title Vol. 1215, folio 35, and being that piece of land situated in the City of Adelaide being portion of town acres numbered 719 and 720 containing one rood nineteen perches or thereabouts and is more particularly delineated in the plan in the margin of the said Certificate of Title, subject nevertheless to such rights of way as have been granted and reserved over the Private Road as delineated in the said plan.

(c) The whole of the land comprised in Certificate of Title Register Book vol. 1331, folio 160, and being that piece of land situated in the City of Adelaide being portion of the town acre numbered 779 and bounded as appears in the plan in the margin of the said certificate of title and therein coloured green, which said piece of land contains thirteen perches or thereabouts and measures as well on the northern side next other portion of the said acre as on the southerly side next a road and a reserve ninety feet or thereabouts, and as well on the easterly side next a Road as on the westerly side next portion of Acre 778 forty-one feet and two inches or thereabouts, and is more particularly delineated in the said plan, which said piece of land forms the allotment 24 and portion of allotment 23 in the plan deposited in the Lands Titles Registration Office No. 549.

(d) The whole of the land comprised in Certificate of Title Register Book vol. 164, folio 2, and being that piece of land situated in the City of Adelaide being portion of town acre 771, containing five perches or thereabouts, and measuring as well on the northerly side next part of the Acre 790 as on the southerly side next a private street of the width of twenty feet, fifteen feet or thereabouts, and as well on the easterly as on the westerly side next other parts of the said Acre 771 ninety feet or thereabouts, the said easterly side being distant from the easterly boundary of the said acre 771, seventy-eight feet or thereabouts.

THE SECOND SCHEDULE.

That piece of land situate in the City of Adelaide being portion of town acre 726 containing one rood and 15 perches or thereabouts and is bounded and has a frontage of 51 feet 11 inches to Brougham Place, which frontage commences at a point 211 feet 9 inches from the corner of Brougham Place and Palmer Place, and continues along Brougham Place in an easterly direction 51 feet 11 inches, then turns in a southerly direction 106 feet 9 inches and in an easterly direction 40 feet 7 inches to Brougham Court at a point 106 feet 5 inches south of Brougham Place then turns in southerly direction along Brougham Court 105 feet 2 inches to the northern boundary of town acre 723 then turns along the said boundary of town acre 723 in a westerly direction 92 feet 2 inches to the eastern boundary of town acre 725 then proceeds north along the eastern boundary of town acre 725, 211 feet 6 inches to the point of commencement on Brougham Place as the same is more particularly delineated in the plan thereof lodged with the Clerk of the House of Assembly and therein margined red.

THE THIRD SCHEDULE.

Property exempt from Rates and Taxes.

(a) The whole of the land comprised in Certificate of Title Register book Vol. CXCIV, folio 97, being that piece of land situated in the City of Adelaide being portion of town acre numbered 730 contains twenty perches or thereabouts and measures on the westerly side next the acre 729, two hundred and ten feet or thereabouts on the southerly side next part of the acre 719, fifty-two feet or thereabouts and on the Easterly side the said piece of land is bounded by Poole Street.

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(b) The whole of the land comprised in Certificate of Title Register Book vol. 1023, folio 104, being that piece of land situated in the City of Adelaide being the town acre 729 and bounded as appears in the plan in the margin of the said certificate of title.

(c) The whole of the land comprised in Certificate of Title Register Book vol. 1098, folio 139, and being that piece of land situated in the City of Adelaide being portion of town acre No. 720, and bounded as appears in the plan in the margin of the said certificate of title and therein coloured green, which said piece of land contains twenty-eight perches or thereabouts, and measures on the north-easterly side next portion of the acre 729 ninety-three feet and one inch or thereabouts, on the south westerly-side next a private road ninety-two feet and seven inches or thereabouts, on the north-westerly side next other portion of the said acre 720 eighty-one feet and five inches or thereabouts, and on the south-easterly side next a private road eighty-one feet and nine inches or thereabouts, and is more particularly delineated in the said plan, together with a free and unrestricted right of way over the said private roads as delineated in the said plan and therein coloured brown.



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 73 of 1974

An Act to amend the Royal Institution for the Blind Act, 1934.

[Assented to 17th October, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Royal Institution for the Blind Act Amendment Act, 1974". Short titles.

(2) The Royal Institution for the Blind Act, 1934, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Royal Society for the Blind of South Australia Act, 1934-1974".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 2 of the principal Act is amended—

(a) by inserting in the definition of "The Institution" after the passage "under this Act" the passage "and on and after the commencement of the Royal Institution for the Blind Act Amendment Act, 1974, means that body under the name 'Royal Society for the Blind of South Australia Incorporated'";

Amendment of principal Act, s. 2— Interpretation.

(b) by inserting after the definition of "The Institution" the following definitions:—

"Employee" in relation to the Institution, means an employee of the Institution and includes any afflicted person to whom in the course of its benevolence the Institution is for the time being affording work:

"Executive Director" means the person for the time being appointed as Executive Director under section 10a of this Act and in office.;

and

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(c) by striking out the definition of "Subscribers" and inserting in lieu thereof the following definition:—

"Subscribers" means—

(a) the Life Governors of the Institution;
and

(b) persons who have contributed to the Institution at least such annual sum as is, from time to time fixed by the Board, for at least two years preceding the year in which the meeting, in relation to which they may be regarded as subscribers, is held.

Amendment of principal Act, s. 3—
Incorporation of the Institution and objects.

4. Section 3 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

(2) On and after the commencement of the Royal Institution for the Blind Act Amendment Act, 1974, the Institution shall continue in existence as a body corporate under the name "Royal Society for the Blind of South Australia Incorporated".

(3) Where in any document or writing of any kind or in any Act, rule or regulation or any other enactment, a reference is made to the Royal Institution for the Blind (Incorporated), on and after the commencement of the Royal Institution for the Blind Act Amendment Act, 1974, that reference shall be read as a reference to the Royal Society for the Blind of South Australia Incorporated.

(4) Where a claim, action or proceeding by or against the Institution had been made or commenced before the commencement of the Royal Institution for the Blind Act Amendment Act, 1974, and had not been finally disposed of on that commencement there shall be substituted in that claim, action or proceeding for the name Royal Institution for the Blind (Incorporated) the name Royal Society for the Blind of South Australia Incorporated.

(5) The incorporation of the Institution deemed to have been effected under the Associations Incorporation Act, 1956-1965, is hereby dissolved.

Amendment of principal Act, s. 9—
Board of Management.

5. Section 9 of the principal Act is amended—

(a) by inserting in subsection (2) after the passage "at least two Vice-Presidents," the passage "Executive Director,";
and

(b) by striking out from subsection (2) the passage "and Treasurer," and inserting in lieu thereof the passage "Treasurer, and one employee of the Institution elected, in accordance with the rules, by the employees of the Institution".

Enactment of ss. 10a and 10b of principal Act—

6. The following sections are enacted and inserted in the principal Act immediately after section 10 thereof:—

Appointment of Executive Director.

10a. (1) The Board may appoint an Executive Director of the Institution.

(2) The terms and conditions of employment, including remuneration, of the Executive Director shall be as determined by the Board.

10b. (1) The Board may from time to time fix an annual sum as being the annual sum for the purposes of paragraph (b) of the definition of "Subscribers" in section 2 of the principal Act.

Annual sub-
scriptions.

(2) For the purposes of this Act until a sum is first fixed by the Board pursuant to subsection (1) of this section the annual sum so fixed shall be deemed to be two dollars and ten cents.

7. Section 13 of the principal Act is amended by inserting after paragraph (h) of subsection (1) the following paragraph:—

Amendment of
principal Act,
s. 13—
Rules of the
Institution.

(ha) To provide for any matter or thing arising out of or in connection with the election of an employee of the Institution to be a member of the Board:.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

W. R. CROCKER, Governor's Deputy